

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



BILL SCHUETTE
ATTORNEY GENERAL

P.O. Box 30754
LANSING, MICHIGAN 48909

December 17, 2018

Austin R. Evers
Katherine M. Anthony
American Oversight
1030 15th Street NW, Ste. B255
Washington, DC 20005

Sent by email
foia@americanoversight.org

Dear Mr. Evers and Ms. Anthony:

This notice responds to your November 21, 2018 emailed letter (copy attached), received by the Department of Attorney General (Department) on November 26, 2018, requesting information under the Freedom of Information Act (FOIA), MCL 15.231 *et seq.*

A statutorily-permitted extension of time to respond was taken through December 17, 2018.

You requested information that you described as follows:

[All responsive records from January 20, 2017, through the date the search is conducted] . . . reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) the immediate office of the Attorney General and (b) anyone with an email address ending in any of the following extensions:

- a) doe.gov
- b) ed.gov
- c) hhs.gov
- d) epa.gov

Your request is granted in part and denied in part.

As to the partial grant, after a search for records, to the best of the Department's knowledge, information, and belief, the enclosed copied records represent the only records in the Department's possession that are responsive to that part of your request for what you describe as, "[a]ll records reflecting communications . . . between (a) the immediate office of the Attorney General and (b) anyone with an email address ending in [the extension: epa.gov.]"

Because processing the request took minimal time and involved duplicating a limited number of pages, there is no fee.

As to the partial denial, after a search for records, to the best of the Department's knowledge, information, and belief, the Department does not possess records that are responsive to that part your request for what you describe as, "[a]ll records reflecting communications . . . between (a) the immediate office of the Attorney General and (b) anyone with an email address ending in any of the following extensions: [doe.gov[,] ed.gov[,] hhs.gov,]" or by another name reasonably known to the Department beyond the enclosed records that are granted above.

As to the partial denial of your request, under section 10 of the FOIA, MCL 15.240, the Department is obligated to inform you that you may do the following:

1) Appeal this decision in writing to the Attorney General, Department of Attorney General, 525 W. Ottawa, P.O. Box 30754, Lansing, MI 48909. The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the partial denial should be reversed. The head of the Department or his designee must respond to your appeal within 10 business days after its receipt. Under unusual circumstances, the time for response to your appeal may be extended by 10 business days.

2) Commence an action in the Court of Claims within 180 days after the date of the final determination to partially deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

Austin R. Evers
Katherine M. Anthony
American Oversight
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The Department's FOIA Procedures and Guidelines can be accessed at
www.michigan.gov/foia-ag.

Sincerely,



Christy Wendling-Richards
FOIA Coordinator
Department of Attorney General
517-373-1162

Encs.

Wendling-Richards, Christy (AG)

From: EPA Counsel <litigation@epa.gov>
Sent: Wednesday, February 21, 2018 3:01 PM
To: EPA Counsel
Subject: Notice of Lawsuit Filed Against EPA - Center for Biological Diversity v. EPA, No. 4:18-cv-00050 (D. Ariz.)

Sent via electronic delivery

RE: Notice of Complaint or Petition for Review Filed Against EPA – *Center for Biological Diversity v. EPA*, No. 4:18-cv-00050 (D. Ariz.)

Hello:

I am sending this notice to inform you that the U.S. Environmental Protection Agency (EPA) has recently received a complaint, or a petition for review, in the above-captioned case which may be of interest to you. This information is provided for your information only, and this notice does not require you to take any action. A copy of the complaint or petition for review can be found here: https://www.epa.gov/sites/production/files/2018-02/documents/cbd_complaint_challenging_steam_postponement_rule_0.pdf.

Pursuant to a directive issued by the EPA Administrator on October 16, 2017, “EPA shall directly notify any affected states and/or regulated entities of a complaint or petition for review.” To view this directive, please visit this website: www.epa.gov/programs-and-projects-office-general-counsel-ogc/ogc-responsibilities-implement-october-2017. To view all complaints, petitions for review, and notices of intent to sue filed with the EPA please visit this website: www.epa.gov/ogc.

If you would like to provide a specific email address for a point of contact to receive these notices in the future, or if you have any questions about this notice, please reply to the email address from which this notice was sent.

Sincerely,

/S/

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency

cc: EPA/OGC/WLO

Wendling-Richards, Christy (AG)

From: EPA Counsel <litigation@epa.gov>
Sent: Friday, March 16, 2018 1:56 PM
To: EPA Counsel
Subject: Notice of Lawsuit Filed Against EPA - State of New York, et al. v. Pruitt, et al., No. 1:18cv406 (S.D.N.Y.)

Sent via electronic delivery

RE: Notice of Complaint or Petition for Review Filed Against EPA – State of New York, et al. v. Pruitt, et al., No. 18-406 (S.D.N.Y. filed Jan. 17, 2018)

Hello:

I am sending this notice to inform you that the U.S. Environmental Protection Agency (EPA) has recently received a complaint, or a petition for review, in the above-captioned case which may be of interest to you. This information is provided for your information only, and this notice does not require you to take any action. A copy of the complaint or petition for review can be found here: https://www.epa.gov/sites/production/files/2018-01/documents/ny_ct_complaint_01172018.pdf.

Pursuant to a directive issued by the EPA Administrator on October 16, 2017, “EPA shall directly notify any affected states and/or regulated entities of a complaint or petition for review.” To view this directive, please visit this website: www.epa.gov/programs-and-projects-office-general-counsel-ogc/ogc-responsibilities-implement-october-2017. To view all complaints, petitions for review, and notices of intent to sue filed with the EPA please visit this website: www.epa.gov/ogc.

If you would like to provide a specific email address for a point of contact to receive these notices in the future, or if you have any questions about this notice, please reply to the email address from which this notice was sent.

Sincerely,

/S/

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency

cc: EPA/OGC/ARLO

Wendling-Richards, Christy (AG)

From: EPA Counsel <litigation@epa.gov>
Sent: Thursday, June 21, 2018 11:00 AM
To: EPA Counsel
Subject: Notice of Lawsuit Filed Against EPA - Idaho Conservation League, et al. v. Scott Pruitt, et al., No. 18cv1141 (D.C. Cir.)

Sent via electronic delivery

RE: Notice of Complaint or Petition for Review Filed Against EPA – *Idaho Conservation League, et al. v. Scott Pruitt, et al.*, No. 18cv1141 (D.C. Cir. filed May 16, 2018)

Hello:

I am sending this notice to inform you that the U.S. Environmental Protection Agency (EPA) has recently received a complaint, or a petition for review, in the above-captioned case which may be of interest to you. This information is provided for your information only, and this notice does not require you to take any action. A copy of the complaint or petition for review can be found here:

https://www.epa.gov/sites/production/files/2018-05/documents/env_defense-_843653-v1-idaho_conserv_-_ecf_1731736-petition_for_review_.pdf.

Pursuant to a directive issued by the EPA Administrator on October 16, 2017, “EPA shall directly notify any affected states and/or regulated entities of a complaint or petition for review.” To view this directive, please visit this website: www.epa.gov/programs-and-projects-office-general-counsel-ogc/ogc-responsibilities-implement-october-2017. To view all complaints, petitions for review, and notices of intent to sue filed with the EPA please visit this website: www.epa.gov/ogc.

If you would like to provide a specific email address for a point of contact to receive these notices in the future, or if you have any questions about this notice, please reply to the email address from which this notice was sent.

Sincerely,

/S/

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency

cc: EPA/OGC/SWERLO

Wendling-Richards, Christy (AG)

From: EPA Counsel <litigation@epa.gov>
Sent: Thursday, June 21, 2018 10:10 AM
To: EPA Counsel
Subject: Notice of Lawsuit Filed Against EPA - Texas Alliance for Responsible Growth, Env't & Transp. v. EPA, No. 3:18cv00176 (S.D. Tex.)

Sent via electronic delivery

RE: Notice of Complaint Filed Against EPA – *Texas Alliance for Responsible Growth, Env't & Transp. v. EPA*, No. 3:18cv00176 (S.D. Tex. filed June 15, 2018)

Hello:

I am sending this notice to inform you that the U.S. Environmental Protection Agency (EPA) has received a complaint, or a petition for review, in the above-captioned case which may be of interest to you. This information is provided for your information only, and this notice does not require you to take any action. The complaint can be found at the table posted here: https://www.epa.gov/sites/production/files/2018-06/documents/texas_alliance_v._epa_complaint_06.15.18.pdf.

Pursuant to a directive issued by the EPA Administrator on October 16, 2017, "EPA shall directly notify any affected states and/or regulated entities of a complaint or petition for review." To view this directive, please visit this website: www.epa.gov/programs-and-projects-office-general-counsel-ogc/ogc-responsibilities-implement-october-2017<<http://www.epa.gov/programs-and-projects-office-general-counsel-ogc/ogc-responsibilities-implement-october-2017>>. To view all complaints, petitions for review, and notices of intent to sue filed with the EPA please visit this website: www.epa.gov/ogc<<http://www.epa.gov/ogc>>.

If you would like to provide a specific email address for a point of contact to receive these notices in the future, or if you have any questions about this notice, please reply to the email address from which this notice was sent.

Sincerely,

/S/

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency

cc: EPA/OGC/WLO

Wendling-Richards, Christy (AG)

From: EPA Counsel <litigation@epa.gov>
Sent: Thursday, June 21, 2018 10:09 AM
To: EPA Counsel
Subject: Notice of Lawsuit Filed Against EPA - Waterkeeper Alliance et al. v. Pruitt, No. 3:18cv03521 (N.D. Cal.)

Sent via electronic delivery

RE: Notice of Complaint Filed Against EPA – *Waterkeeper Alliance et al. v. Pruitt et al.*, No. 3:18cv03521 (N.D. Cal. filed June 13, 2018)

Hello:

I am sending this notice to inform you that the U.S. Environmental Protection Agency (EPA) has received a complaint, or a petition for review, in the above-captioned case which may be of interest to you. This information is provided for your information only, and this notice does not require you to take any action. The complaint can be found at the table posted here: https://www.epa.gov/sites/production/files/2018-06/documents/waterkeeper_alliance_et_al._v._pruitt_complaint_06.13.18.pdf.

Pursuant to a directive issued by the EPA Administrator on October 16, 2017, “EPA shall directly notify any affected states and/or regulated entities of a complaint or petition for review.” To view this directive, please visit this website: www.epa.gov/programs-and-projects-office-general-counsel-ogc/ogc-responsibilities-implement-october-2017<<http://www.epa.gov/programs-and-projects-office-general-counsel-ogc/ogc-responsibilities-implement-october-2017>>. To view all complaints, petitions for review, and notices of intent to sue filed with the EPA please visit this website: www.epa.gov/ogc<<http://www.epa.gov/ogc>>.

If you would like to provide a specific email address for a point of contact to receive these notices in the future, or if you have any questions about this notice, please reply to the email address from which this notice was sent.

Sincerely,

/S/

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency

cc: EPA/OGC/WLO

Wendling-Richards, Christy (AG)

From: EPA Counsel <litigation@epa.gov>
Sent: Wednesday, November 14, 2018 2:59 PM
To: EPA Counsel
Subject: Notice of Lawsuit Filed Against EPA – Waterkeeper Alliance v. U.S. EPA, No. 18-1289 (D.C. Cir.)

Sent via electronic delivery

RE: Notice of Petition for Review Filed Against EPA – Waterkeeper Alliance v. U.S. EPA, No. 18-1289 (D.C. Cir. filed October 22, 2018)

Hello:

I am sending this notice to inform you that the U.S. Environmental Protection Agency (EPA) has recently received a petition for review in the above-captioned case which may be of interest to you. This information is provided for your information only, and this notice does not require you to take any action. A copy of the petition for review can be found here: https://www.epa.gov/sites/production/files/2018-11/documents/18-1289_documents_0.pdf

Pursuant to a directive issued by the EPA Administrator on October 16, 2017, “EPA shall directly notify any affected states and/or regulated entities of a complaint or petition for review.” To view this directive, please visit this website: www.epa.gov/programs-and-projects-office-general-counsel-ogc/ogc-responsibilities-implement-october-2017. To view all complaints, petitions for review, and notices of intent to sue filed with the EPA please visit this website: www.epa.gov/ogc.

If you would like to provide a specific email address for a point of contact to receive these notices in the future, or if you have any questions about this notice, please reply to the email address from which this notice was sent.

Sincerely,

/S/
Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency

cc: EPA/OGC/SWERLO